IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
APPELLATE SIDE JURISDICTION

REVIEW PETITION NO.13 OF 2007
IN
FIRST APPEAL NO.1322 OF 2003
IN
SPECIAL CIVIL SUIT NO.1923 OF 1998

Major C.L. Verma & Ors. ...Petitioner
(in this Review Petition)/ Oirg. Respondent
Vs.
Smt. Bina Manohar Dudani ...Respondent
(in this Review Petition)/ Oirg. Appellant

Petitioner in person
Mr. Anilkumar Patil for Respondents

CORAM: SMT. ROSHAN DALVI, J.
DATED: 17TH AUGUST, 2007

P.C.

1. The Petitioner is the Respondent in the above Appeal. He sued the Appellants for declaration that the agreement relating to his flat stood vitiated pursuant to certain fraudulent representations made by the Appellants to him and for recovery of possession of the said flat.

2. Upon his suit being decreed, the Appellants filed the

above appeal essentially on 2 grounds. They contended that the Petitioner' ssuit was barred by the law of limitation, it having been filed more than 10 years after the accrual of the cause of action and knowledge of the alleged fraud. They further contended that the Petitioner could not have been defrauded by the Respondents and the representation, if any, made by the Respondents and the knowledge gained by Petitioner did not prevent him to obtain possession of the flat sold by the Petitioner to the Respondents upon payment of consideration to him.

3. Both these aspects have been considered in the above Appeal.

4. The Petitioner has relied upon the same documents to argue with regard to the period of limitation and the issue of the proof of fraud alleged to be practiced upon him.

5. These aspects cannot be re-agitated in a Review Petition.

6. The Petitioner now contends that the Respondents are earning profits by leasing the suit flat to outsiders and are not paying the Society charges. This causes the Society to send notices to the Petitioner constraining him to make

payment of the maintenance amounts to the Society. It is true that the suit flat continues to stand in the name of the Petitioner. However, since the Petitioner is not in actual possession of the suit flat, it is clarified to the Petitioner, who is appearing in person, that he need not pay up the amounts required by the Society.

7. Save and except the above clarification, the above Review Petition stands rejected.

(SMT. ROSHAN DALVI, J.)